

# Morgan Lewis

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July 23, 2018

***VIA IBFS***

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554  
Attn: International Bureau

**Re: File No. SCL-MOD-20180605-00013**

Dear Ms. Dortch:

On behalf of ARCOS-1 USA, Inc and A.SurNet, Inc. (together, the "Licensees"), enclosed for filing with the Commission is a revised Application for a Modification to Cable Landing License, File No. SCL-MOD-20180605-00013, clarifying certain additional issues in response to a request received from staff on June 21, 2018.

This letter is being filed electronically via MyIBFS. Please direct any questions to the undersigned.

Respectfully submitted,

/s/ Ulises Pin

Ulises R. Pin  
Denise S. Wood

*Counsel for Licensees*

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
ARCOS-1 USA, Inc.	)	File No. SCL-MOD-20180605-00013
A.SurNet, Inc.	)	
	)	
Application for a Modification to	)	
Cable Landing License	)	

**APPLICATION FOR A MODIFICATION TO CABLE LANDING LICENSE**  
**STREAMLINED PROCESSING REQUESTED**

ARCOS-1 USA, Inc. (“ARCOS”) and A.SurNet, Inc. (“ASN”) (together, the “Licensees”), through their undersigned counsel, and pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (the “Cable Landing License Act”), Executive Order 10,530, and Section 1.767(e) of the Commission’s rules, 47 C.F.R. § 1.767(e), hereby seek authority to modify their cable landing license for the private fiber optic submarine cable system known as the ARCOS-1 submarine cable system (the “ARCOS-1 Cable”), which connects the United States with fourteen countries in the Caribbean, Central America and South America. ARCOS and ASN are jointly authorized by the Commission to operate the ARCOS-1 Cable under FCC File No. SCL-LIC-19981222-00032, as amended.<sup>1</sup> Specifically, the Licensees seek to modify the ARCOS-1 Cable authorization to include a new authorized landing point in Cuba.

For the reasons set forth below, the Licensees respectfully submit that grant of this modification request will serve the public interest and should be granted on a streamlined basis.

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<sup>1</sup> ASN is a wholly-owned subsidiary of ARCOS, and is the landing party for the ARCOS-1 Cable in North Miami Beach, Florida.

## **I. DESCRIPTION OF THE MODIFICATION TO CABLE SYSTEM**

By this Application, Licensees seek authority to modify the ARCOS-1 Cable in order to establish an additional cable landing station in Cojimar, Cuba from a branching unit that was constructed as part of the original ARCOS-1 Cable in 2001. The cable landing will be accomplished by creating a branch from an existing branching unit of the ARCOS-1 Cable that lies approximately fifty-six (56) kilometers off the coast of Cuba to a beach manhole (“BMH”) in Cojimar, Cuba, located at N23°-10.032, 082°-18.912W. The new branch shall be designated as “Segment 26” of the ARCOS-1 Cable. The ARCOS-1 Cable will then extend through a cable land route to an existing cable landing station (“CLS”) in Cojimar, Cuba (the coordinates of the property are: N23°-9.755, 082°-18.768W. A photograph depicting the BMH, and the CLS is attached as Exhibit A.

Segment 26 will have an initial capacity of 100 Gb and planned capacity of 1.6 Tb. Licensees (and their affiliates) will own 96% of the capacity. The remaining four percent of the capacity will be offered to the ARCOS-1 consortium members, eighteen (18) international carriers, corresponding to the percentage commensurate with their ownership interests in the ARCOS-1 Cable.<sup>2</sup>

Empresa de Telecomunicaciones de Cuba S.A. (“ETECSA”), the incumbent telecommunications provider in Cuba, will provide the CLS which will be updated and housed with telecommunications equipment to operate Segment 26. Licensees’ intermediate parent company, Columbus Networks Limited (“CNL”) or a wholly-owned and controlled subsidiary of CNL, will be the landing party in Cojimar, Cuba. Segment “26” will be jointly owned by CNL

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<sup>2</sup> For additional information regarding ownership of the ARCOS-1 Cable, see the response to Section III(7), *infra*.

and some of the ARCOS consortium members. ETECSA will acquire an indefeasible right of use on some capacity on Segment 26 from CNL.<sup>3</sup> Construction of Segment 26 will be completed by CNL using an international submarine cable supplier.

## **II. PUBLIC INTEREST CONSIDERATIONS**

Grant of this application will serve the public interest, convenience, and necessity by making advanced facilities-based telecommunications services available between Cuba and other international points, including the United States. The new ARCOS-1 Cable Segment 26 will provide redundancy and contribute to the improvement of the international telecommunications system.

The instant application and resultant expansion of telecommunications services from Cuba to the United States and other international points is preceded by the gradual changes in U.S. policy toward Cuba. In September 2009, the Office of Foreign Assets Control (“OFAC”) made significant revisions to the Cuban Assets Control Regulations (“CACR”)<sup>4</sup> establishing a new licensing policy for the construction of direct telecommunications facilities between the United States and Cuba, including, but not limited to, fiber-optic cable and satellite facilities.<sup>5</sup>

In 2015, OFAC issued amendments to the CACR that further liberalized the provision of telecommunications services, telecommunications facilities and Internet services involving Cuba, subjecting these services and facilities to a “general license” from OFAC.<sup>6</sup> The new regulations: (1) confirmed that all telecommunications services involving Cuba (whether between the U.S. and

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<sup>3</sup> The duct from the beach manhole to Cojimar Station is owned by ETECSA and the physical cable inside the duct will be owned by CNL or an affiliate thereof.

<sup>4</sup> 31 C.F.R. Part 515.

<sup>5</sup> See 31 C.F.R. § 515.542(d).

<sup>6</sup> See 31 C.F.R. § 515.542, 515.578.

Cuba or a third country and Cuba) are authorized; (2) authorized telecommunications-related transactions, including payment for the provision of telecommunications involving Cuba or provided to Cuban individuals; (3) authorized “transactions, including payments, incident to the establishment of telecommunications facilities, including fiber-optic cable and satellite facilities, to provide telecommunications services linking the United States or third countries and Cuba, including facilities to provide telecommunications services in Cuba;”<sup>7</sup> and (4) permitted the provision of additional services incident to Internet-based communications.<sup>8</sup> As such, an OFAC individual license is not necessary to conduct any of these activities.

In 2016, the Commission removed Cuba from the “Exclusion List for International Section 214 Authorizations,” allowing “all carriers to provide telecommunications services between the United States and Cuba pursuant to global Section 214 authority under section 63.18(e)(1) of the Commission rules.”<sup>9</sup>

Finally, on June 16, 2017, President Trump issued National Security Presidential Memorandum NSPM-5 entitled “Strengthening the Policy of the United States Toward Cuba” which supports the expansion of direct telecommunications and Internet access for the Cuban people.<sup>10</sup> Thus, the expansion of telecommunications services to Cuba is consistent with US policy, and construction of a submarine cable segment and use of a cable landing station in Cuba should be treated no differently than any other applications for new landing points.

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<sup>7</sup> 31 C.F.R. § 515.542(b).

<sup>8</sup> See 31 C.F.R. § 515.542, 515.578.

<sup>9</sup> *Removing Cuba from the Exclusion List for International Section 214 Authorizations*, Order, IB Docket No. 15-289, DA 16-5, para. 3 (Int’l Bur. rel. Jan. 15, 2016).

<sup>10</sup> See *Strengthening the Policy of the United States Toward Cuba*, a Notice by the State Department dated October 10, 2017, published in the Federal Register under 82 FR 48875.

The ARCOS-1 Cable will permit additional connections between Cuba and the Internet backbone and will permit additional flow of information between the people of Cuba and international points. Currently there are no modern direct telecommunications facilities between the United States and Cuba. Communications between U.S. residents and their family members in Cuba are generally routed through third countries or through facilities in other jurisdictions. The ARCOS-1 Cable will provide United States carriers the ability to transmit traffic to Cuba and for international traffic to transit through the United States. This will increase the means through which Cubans on the island can communicate with the United States and the rest of the world. Moreover, the broadband capacity of a fiber optic cable is a key element to bringing the Internet to Cuba's doorstep. Finally, the ARCOS-1 Cable will provide additional redundancy and resiliency to existing submarine cables. Thus, Licensees are confident that the ARCOS-1 Cable will permit further telecommunications services between Cuba, the United States and the rest of the world and promote the freer flow of information to the Cuban people.

Based on the foregoing, Licensees respectfully submit that the proposed new segment and landing of the ARCOS-1 Cable in Cuba serve the public interest, and request expeditious grant of this application.

### **III. INFORMATION REQUIRED BY 47 C.F.R. § 1.767**

#### **(1) Names, Addresses and Telephone Numbers of the Applicant**

ARCOS-1 USA, Inc.	FRN 0015487325
A.SurNet, Inc.	FRN 0007436074
15950 West Dixie Highway	
North Miami Beach, FL 33162	
Phone:(786)274-7400	
Fax: (786) 274-7402	

#### **(2) Place of Formation**

Licensees are both Delaware corporations.

**(3) Correspondence concerning the application should be sent to the following:**

For Licensees: c/o Paul Scott  
President  
ARCOS-1 USA, Inc.  
15950 West Dixie Highway  
North Miami Beach, FL 33162  
Phone:(786) 274-7400  
Fax: (786) 274-7402  
[Paul.scott@cw.com](mailto:Paul.scott@cw.com)

With a Copy to: Andrew D. Lipman  
Ulises R. Pin  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
(202) 373-6000 (Tel)  
(202) 373-6001 (Fax)  
[ulises.pin@morganlewis.com](mailto:ulises.pin@morganlewis.com)

**(4) Description of the Cable**

The ARCOS-1 Cable is a non-common carrier submarine cable system with 450 Gbits/s current lit capacity, spanning 8,700 km. The ARCOS-1 current end of life capacity is 8.4 Tbits/s. The ARCOS-1 Cable is designed as a ring configuration and currently has 26 segments connecting 23 landing points. The system has twelve (12) fiber pairs on repeaterless segments and three (3) fiber pairs on repeatered segments<sup>11</sup>

**(5) Landing Points**

The existing ARCOS-1 Cable landing points include: Belize City, Belize; Bluefields, Nicaragua; Cancun, Mexico; Cartagena, Colombia; Cat Island, Bahamas; Crooked Island, Bahamas; Isla Verde, Puerto Rico, United States; Maria Chiquita, Panama; Nassau, Bahamas; North Miami Beach, Florida, United States; Providenciales, Turks and Caicos Islands; Puerto

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<sup>11</sup> For additional information, see <https://www.cwnetworks.com/network-systems/arcos-1/>; FCC File No. SCL-LIC-19981222-00032.

Barrios, Guatemala; Puerto Cabezas, Nicaragua; Puerto Cortes, Honduras; Puerto Lempira, Honduras; Puerto Limon, Costa Rica; Puerto Plata, Dominican Republic; Punta Cana, Dominican Republic; Punto Fijo, Venezuela; Riohacha, Colombia; Trujillo, Honduras; Tulum, Mexico; and Willemstad, Curaçao. By this Application, Licensees request authority to add Cojimar, Cuba as an additional landing point.

**(6) Common Carrier or Non-Common Carrier Status**

The ARCOS-1 Cable continues to be operated on a non-common carrier basis.

**(7) List of Owners**

The ARCOS-1 Cable is owned by a consortium. Licensees (and their affiliates) hold most of the interest in the ARCOS-1 Cable, with 96% of the voting and ownership interests. The remaining voting and ownership interests are held by eighteen (18) international carriers, each with nominal ownership interests in the ARCOS-1 Cable.<sup>12</sup> ASN owns and operates the ARCOS-1 Cable's landing station in North Miami Beach, Florida.<sup>13</sup>

**(8) Certification and Ownership Information Requested by Sections 63.18(h)-(k) and (o) of the Commission's Rules**

**Information requested by Section 63.18(h):**

Information concerning the ownership of Licensees is provided hereto as Exhibit B.

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<sup>12</sup> Please see Exhibit C for a list of the 18 international carriers that collectively own four percent (4%) of the ARCOS-1 Cable, each with nominal ownership interests below two percent (2%).

<sup>13</sup> The ARCOS-1 cable landing station in Puerto Rico is owned and operated by PrepaNet, an unaffiliated third party carrier in Puerto Rico, and is not part of the instant application.

**Information requested by Section 63.18(i):**

Please see Exhibit B for Licensees' Section 1.767(a)(8)(ii) Certification Regarding Foreign Carrier Status and Foreign Affiliations. Licensees confirm that they are not affiliated with any foreign carrier in Cuba.<sup>14</sup>

**Information requested by Section 63.18(j):**

Please see Exhibit B for Licensees' Section 1.767(a)(8)(iii) Certification Regarding Destination Markets. Licensees confirm that they are not affiliated with any foreign carrier in Cuba.

**Information requested by Section 63.18(k):**

Please see Exhibit B for Licensees' Section 1.767(a)(8)(iv) Demonstration Regarding WTO Status and Market Power. Licensees confirm that they are not affiliated with any foreign carrier in Cuba.

**Information requested by Section 63.18(o):**

Licensees certify that, in accordance with Sections 1.2001-1.2003 of the Commission's rules, 47 C.F.R. §§1.2001-1.2003, no party to the application is subject to a denial of Federal benefits that include FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. *See* 21 U.S.C. § 853(a).

**(9) Routine Conditions Certification**

Licensees certify that they accept and will abide by the routine conditions specified in Section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).

**(10)** Not applicable. The new landing site is not located within the United States, and is

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<sup>14</sup> Although CNL or its wholly owned and controlled subsidiary will be the landing party for Segment 26, the landing party will not be a licensed telecommunications carrier in Cuba.

not subject to the Coastal Zone Management Act.

(11) Not applicable. This Application does not concern an assignment or transfer of control.

#### **IV. QUALIFICATION FOR STREAMLINED PROCESSING**

This application qualifies for streamlined processing under Section 1.767(k)(3) of the Commission's rules, 47 C.F.R. § 1.767(k)(3). Licensees are not foreign carriers in Cuba and are not affiliated with any foreign carrier in Cuba.

Further, Licensees are not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1456 (the "CZMA"), given that Cuba is not subject to the CZMA.

#### **IV. NATIONAL SECURITY REVIEW**

Affiliates of Licensees entered into a Letter of Assurance dated September 11, 2015, as amended on November 3, 2016 ("LOA"), following completion of the Executive Branch's review of Liberty Global plc's acquisition of Licensees. Licensees will continue to abide by the commitments contained in the LOA with respect to the new landing site for which it has requested authority herein.

\* \* \*

**V. CONCLUSION**

As demonstrated above, the public interest, convenience and necessity will be served by a grant of this application to modify the cable landing license to add a landing site as described herein. The Licensees respectfully request that the Commission grant this application expeditiously.

Respectfully submitted,

/s/ Ulises R. Pin

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Ulises R. Pin  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
(202) 373-6000 (Tel)  
(202) 373-6001 (Fax)  
u.pin@morganlewis.com

*Counsel for Licensees*

Dated: July 23, 2018

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served this date upon the following:

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554  
(via first class U.S. mail, postage prepaid)

U.S. Coordinator  
EB/CIP  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520-5818  
(via first class U.S. mail, postage prepaid)

David Krech  
International Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554  
(via electronic mail to  
David.Krech@fcc.gov)

Defense Information Systems Agency  
Attn: GC/DO1  
6910 Cooper Avenue  
Fort Meade, MD 20755-7088  
(via first class U.S. mail, postage prepaid)

Denise Coca  
International Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554  
(via electronic mail to  
Denise.Coca@fcc.gov)

Office of Chief Counsel/NTIA  
U.S. Department of Commerce  
14<sup>th</sup> Street and Constitution Ave., N.W.  
Washington, D.C. 20230  
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Tom Sullivan  
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Troy Tanner  
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445 12th Street, S.W.  
Washington, DC 20554  
(via electronic mail to  
Troy.Tanner@fcc.gov)

/s/ Denise S. Wood  
Denise S. Wood

Dated: July 23, 2018

**CERTIFICATION**

I, Paul Scott, state that I am President of ARCOS-1 USA, Inc. and A.Sur Net, Inc. (together the "Licensees"); that I am authorized to make this Verification on behalf of the Licensees; that the foregoing filing was prepared under my direction and supervision; and that the contents are true and correct to the best of my knowledge, information, and belief. I declare under penalty of perjury that the foregoing is true and correct.

By: \_\_\_\_\_

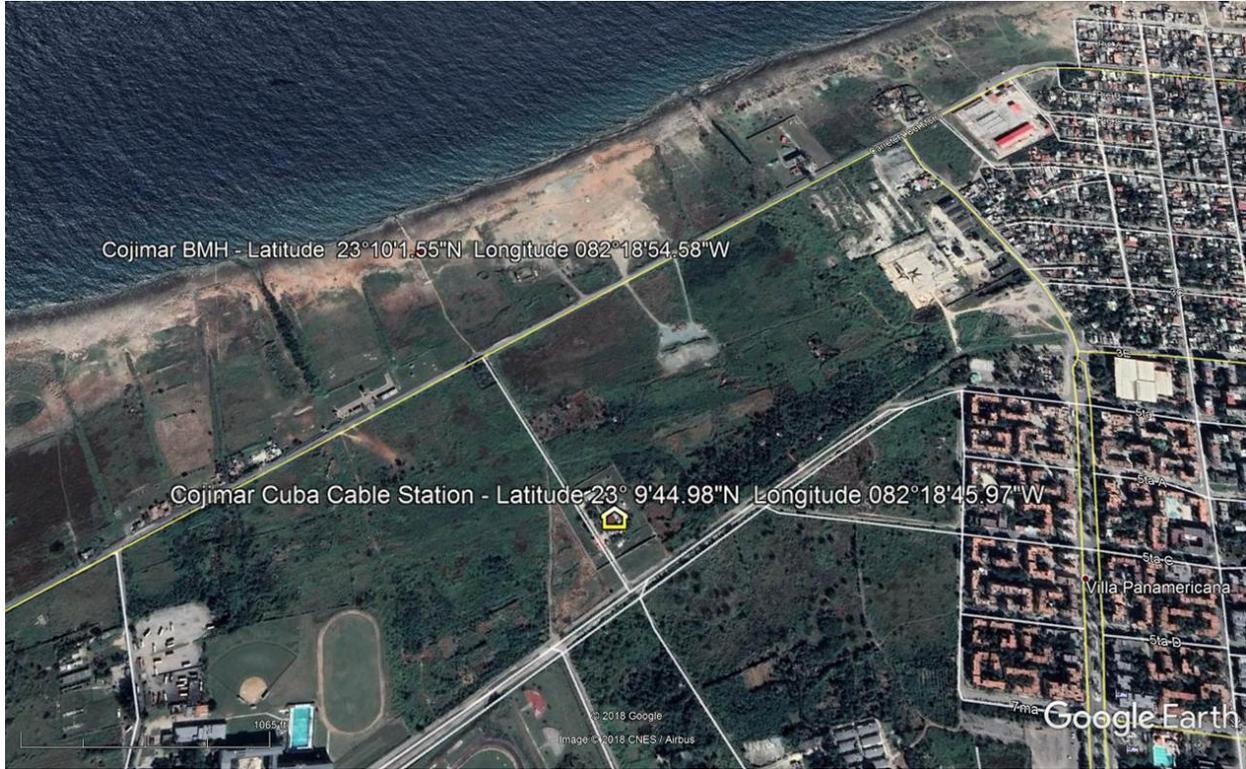
Name: Paul Scott

Title: President

Date: July 23, 2018

**Exhibit A**

**New Cable Landing Location**



## **Exhibit B**

The following entity holds (direct or indirect) 100% voting and equity interests in each of ARCOS-1 and ASN:

Columbus New Cayman Limited  
Floor 4, Willow House  
Cricket Square, P.O. Box 268  
Grand Cayman KY1-1104, Cayman Islands  
Jurisdiction: Cayman Islands  
Business: Holding company  
Interest: Direct interest of 100% in ARCOS and indirect interest of 100% in ASN.

The following entity holds 100% of the voting and equity interest in Columbus New Cayman Limited:

Columbus Networks, Limited  
Windsor Lodge, Government Hill  
St. Michael, Barbados  
Jurisdiction: Barbados  
Business: International telecommunications services  
Interest: Indirect 100% interest in Licensees.

The following entity holds 100% of the voting and equity interest in Columbus Networks, Limited:

Columbus TTNW Holdings Inc.  
Windsor Lodge, Government Hill  
St. Michael, Barbados  
Jurisdiction: Barbados  
Business: International telecommunications services  
Interest: Indirect 100% interest in Licensees.

The following entity holds 100% of the voting and equity interest in Columbus TTNW Holdings Inc.:

Columbus International Inc.  
Windsor Lodge, Government Hill  
St. Michael, Barbados  
Jurisdiction: Barbados  
Business: International telecommunications services  
Interest: Indirect 100% interest in Licensees.

The following entity holds 100% of the voting and equity interest in Columbus International Inc.:

Sable Holding Limited  
Griffin House, 161 Hammersmith Road  
London, United Kingdom W6 8BS  
Jurisdiction: England  
Business: Holding company  
Interest: Indirect 100% interest in Licensees.

The following entity holds 100% of the voting and equity interest in Sable Holding Limited:

Cable & Wireless Limited  
Griffin House, 161 Hammersmith Road  
London, United Kingdom W6 8BS  
Jurisdiction: England  
Business: Holding company  
Interest: Indirect 100% interest in Licensees.

The following entity holds 100% voting and equity interest in Cable & Wireless Limited:

Cable & Wireless Communications Limited  
Griffin House, 161 Hammersmith Road  
London, United Kingdom W6 8BS  
Jurisdiction: England  
Business: International telecommunications services  
Interest: Indirect 100% interest in Licensees.

The following entity holds 100% of the voting and equity interest in Cable & Wireless Communications Limited:

LGE Coral Holdco  
Griffin House, 161 Hammersmith Road  
London, United Kingdom W6 8BS  
Jurisdiction: England  
Business: Holding Company  
Interest: Indirect 100% interest in Licensees.

The following entity holds 100% of the voting and equity interest in LGE Coral Holdco:

Liberty CWC Holdings Limited  
c/o Griffin House, 161 Hammersmith Road  
London, United Kingdom W6 8BS  
Jurisdiction: Barbados  
Business: Holding company  
Interest: Indirect 100% interest in Licensees.

The following entity holds 100% of the voting and equity interest in Liberty CWC Holdings Limited:

LILAC Services Ltd.

2 Church Street  
 Hamilton HM11 Bermuda  
 Jurisdiction: Bermuda  
 Business: Holding company  
 Interest: Indirect 100% interest in Licensees.

The following entity holds 100% of the voting and equity interest in LiLAC Services Ltd.:

Liberty Latin America Ltd.  
 2 Church Street  
 Hamilton HM11 Bermuda  
 Jurisdiction: Bermuda  
 Business: International provider of cable and telecommunications services  
 Interest: Indirect 100% interest in Licensees.

The following persons and/or entities have a shareholding greater than 10 percent of the voting and/or equity interest in Liberty Latin America Ltd.:

John C. Malone  
 c/o 1550 Wewatta Street  
 Suite 710  
 Denver, Colorado 80202  
 Citizenship: United States  
 Business: Cable and telecommunications services  
 Voting Interest: 25.5%

Genesis Asset Managers  
 Heritage Hall, Le Marchant Street  
 St. Peter Port  
 Guernsey GY1 4WY Channel Islands  
 Citizenship: Delaware  
 Business: Institutional investment manager  
 Voting Interest: 11.5 %

Other than as set forth above, there are no individuals or entities that would have a 10 percent or greater voting or equity interest in Licensees as a result of their voting or equity interest in Liberty Latin America Ltd.

The following foreign carrier affiliates have interlocking directors with Licensees, through their affiliation with Columbus International Inc.:

<b>Company</b>	<b>Director Name</b>
Columbus Networks de Colombia, Ltda.	Paul Scott
Lazus Colombia SAS	Paul Scott; Dexter Cartwright
Columbus Networks El Salvador S.A.	Paul Scott; Dexter Cartwright; Victor Lago
Columbus Networks de Costa Rica S.R.L.	Paul Scott; Dexter Cartwright; Victor Lago
Columbus Networks Wholesale Costa Rica S.A.	Paul Scott; Dexter Cartwright; Victor Lago
Columbus Networks Netherlands Antilles, N.V.	Paul Scott; Dexter Cartwright
Columbus Networks Dominicana, S.A.	Paul Scott; Dexter Cartwright; Victor Lago
Columbus Networks de Guatemala Limitada	Paul Scott; Dexter Cartwright; Victor Lago

<b>Company</b>	<b>Director Name</b>
Columbus Networks de Honduras, S. de R.L.	Paul Scott; Dexter Cartwright; Victor Lago
Columbus Networks de México S. de R.L. de C.V.	Paul Scott; Dexter Cartwright; Victor Lago
Columbus Networks Nicaragua y Compañía Ltda	Paul Scott; Dexter Cartwright; Victor Lago
Columbus Networks de Panamá S.R.L.	Paul Scott; Dexter Cartwright; Victor Lago
Lazus Panama S.A.	Paul Scott; Dexter Cartwright; Victor Lago
Lazus Peru S.A.C.	Paul Scott; Dexter Cartwright; Victor Lago

**Section 1.767(a)(8)(ii)- Certification Regarding Foreign Carrier Status and Foreign Affiliation:**

Licensees are affiliated with the following foreign carriers, through their affiliation with Cable & Wireless Communications Limited (“C&W”).

<b>Carrier</b>	<b>Country</b>
Cable and Wireless (Anguilla) Limited	Anguilla
Cable & Wireless Antigua and Barbuda Limited	Antigua and Barbuda
The Bahamas Telecommunications Company Limited	The Bahamas
Cable & Wireless (Barbados) Limited	Barbados
Cable & Wireless (BVI) Limited	British Virgin Islands
Cable & Wireless (Cayman Islands) Limited	Cayman Islands
Cable & Wireless Dominica Limited	Dominica
CWC Cable & Wireless Communications Dominican Republic, S.A. <sup>15</sup>	Dominican Republic
Cable & Wireless Grenada Limited	Grenada
Cable & Wireless Jamaica Limited	Jamaica
Cable & Wireless (West Indies) Limited	Montserrat
Cable & Wireless Panama S.A.	Panama
Cable & Wireless (St. Lucia) Limited	St. Lucia
Cable & Wireless St. Kitts & Nevis Limited	St. Kitts and Nevis
Cable & Wireless St. Vincent and the Grenadines Limited	St. Vincent and the Grenadines
Cable & Wireless (Seychelles) Limited	Seychelles
Cable & Wireless (Turks and Caicos) Limited	Turks and Caicos Islands

Licensees are affiliated with the following foreign carriers, through their affiliation with Columbus International Inc.<sup>16</sup>

<b>Foreign Carrier</b>	<b>Country</b>
Kelcom International (Antigua & Barbuda) Ltd.	Antigua & Barbuda
Columbus Communications Limited	The Bahamas
Columbus Antilles (Barbados) Limited	Barbados

<sup>15</sup> CWC Cable & Wireless Communications Dominican Republic, S.A., an affiliate of C&W, owns and controls a cable landing station in the Dominican Republic for the East-West Cable System.

<sup>16</sup> None of the carriers listed in this table is listed in the Commission's List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets. In addition, these foreign carriers offer services in competition with dominant foreign carriers and others. These foreign carriers each hold significantly less than a 50% market share in the international transport market between the U.S. and their home markets in the local access markets in the countries where they operate. Moreover, these foreign carriers do not have the ability to discriminate against unaffiliated U.S. international carriers through the control of bottleneck services or facilities to exercise market power in the countries where they operate.

<b>Foreign Carrier</b>	<b>Country</b>
Columbus Telecommunications (Barbados) Limited	Barbados
Karib Cable Inc.	Barbados
Columbus Networks de Colombia, Ltda.	Colombia
Lazus de Colombia S.A.S.	Colombia
Columbus Networks El Salvador S.A.	El Salvador
Columbus Networks de Costa Rica S.R.L.	Costa Rica
Columbus Networks Wholesale Costa Rica S.A.	Costa Rica
Columbus Communications Curacao N.V.	Curacao
Curacao Cable Television N.V.	Curacao
Columbus Networks Netherlands Antilles, N.V.	Curacao
Columbus Networks Dominicana, S.A.	Dominican Republic
Columbus Communications (Grenada) Limited	Grenada
Columbus Networks de Guatemala Limitada	Guatemala
Columbus Networks de Honduras, S. de R.L.	Honduras
Columbus Communications Jamaica Limited	Jamaica
Columbus Networks Jamaica Limited	Jamaica
Columbus Networks de México S. de R.L. de C.V.	Mexico
Columbus Networks Nicaragua y Compañía Limitada	Nicaragua
Columbus Networks de Panamá S.R.L.	Panama
Lazus Panama S.A.	Panama
Lazus Peru S.A.C.	Peru
Columbus Communications (St. Lucia) Limited	St. Lucia
Tele (St. Lucia) Inc.	St. Lucia
Columbus Networks International (Trinidad) Limited	Trinidad & Tobago
Columbus Communications Trinidad Limited	Trinidad & Tobago
Columbus Networks de Venezuela, S.A.	Venezuela
Columbus Communications St. Vincent and the Grenadines Limited	St. Vincent & The Grenadines

**Section 1.767(a)(8)(iii) – Certification Regarding Destination Markets:**

Licenses certify that one or more affiliates provides international telecommunications services in the following destination markets of the ARCOS-1 Cable: The Bahamas, the Turks and Caicos Islands, the Dominican Republic, Curacao, Venezuela, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala, Belize and Mexico.

**Section 1.767(a)(8)(iv) – Demonstration Regarding WTO Status and Market Power:**

One ARCOS-1 destination market where a C&W affiliate currently provides and will continue to provide international telecommunications services is not a WTO member:<sup>17</sup> C&W has a 49% stake in The Bahamas Telecommunications Company Limited (“BTC”), which is 51% owned by the government of The Bahamas.<sup>18</sup> BTC appears on the FCC’s “List of Foreign Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets,” DA 07-233, January 26, 2007.

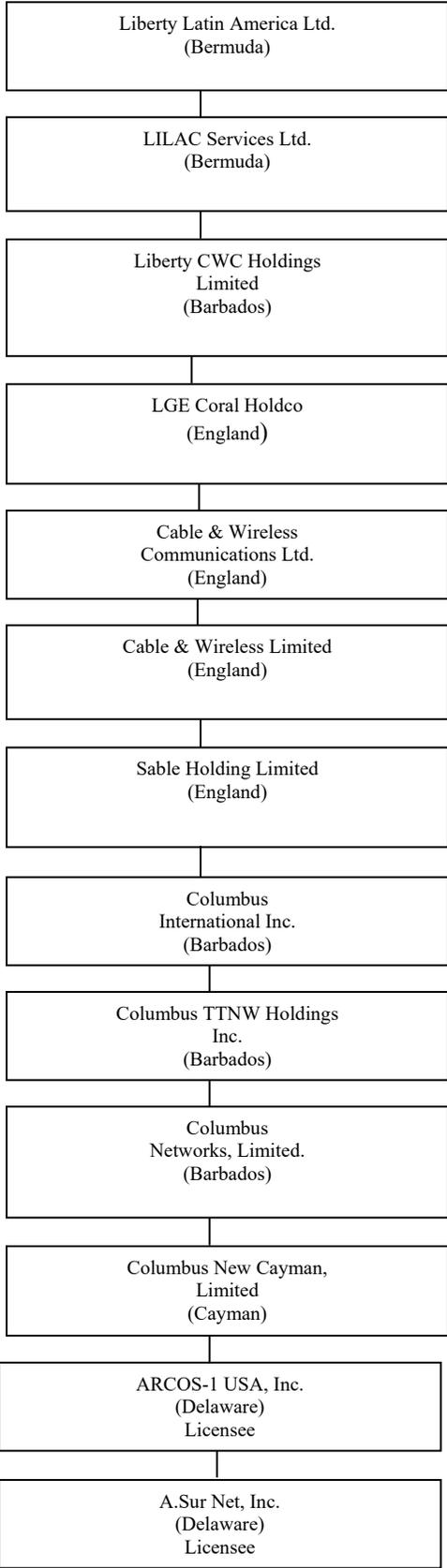
Licensees certify that they will continue to comply with the dominant carrier safeguards of Sections 63.10(c) and (e) of the Commission’s Rules in the provision of international services to The Bahamas, a destination market where BTC has dominant status.

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<sup>17</sup> The FCC has treated the British Overseas Territories as WTO Members. *See, e.g.*, Letter from Robert E. Dalton, Assistant Legal Adviser for Treaty Affairs, United States Department of State, to Rebecca Arbogast, Chief, Telecommunications Division, International Bureau, Federal Communications Commission (Feb. 16, 2000), at 1, *cited in In the Matter of Cable & Wireless USA, Inc.*, Order, Authorization and Certificate, File No. ITC-214-19990709-00412, rel. Feb. 18, 2000, at ¶ 7, n.14. Thus, Turks and Caicos should be treated as a WTO Member for purposes of this application.

<sup>18</sup> Although The Bahamas is not a Member of the WTO, it has applied for membership status, currently has observer status, and its application is pending. *See* [http://www.wto.org/english/thewto\\_e/acc\\_e/a1\\_bahamas\\_e.htm](http://www.wto.org/english/thewto_e/acc_e/a1_bahamas_e.htm).

**ARCOS, A.SurNet, Ownership Structure**



Unless otherwise indicated, all ownership percentages are 100%.

## Exhibit C

### **International Carriers with Nominal Ownership Interests**

The following 18 international carriers that collectively own four percent (4%) of the ARCOS-1 Cable, each with nominal ownership interests below two percent (2%).

1. Axtel S.A.B. de C.V. [Mexico]
2. United Telecommunications Services, N.V. [Curacao]
3. Alestra Comunicacion SRL de CV [Mexico]
4. The Bahamas Telecommunications Company Limited [The Bahamas]
5. Belize Telemedia Limited [Belize]
6. Compañía Anónima Nacional Teléfonos de Venezuela [Venezuela]
7. Compañía Dominicana de Telefonos [Dominican Republic]
8. Empresa Nicaraguense de Telecomunicaciones Sociedad Anonima [Nicaragua]
9. Empresa Hondureña de Telecomunicaciones [Honduras]
10. Instituto Costarricense de Electricidad [Costa Rica]
11. Level 3 Colombia S.A. [Colombia]
12. Internexa S.A.E.S.P. [Colombia]
13. Verizon Business [USA]
14. IC Investment Management, LLP [Colombia]
15. Telecarrier, S.A. [Panama]
16. Global Interlink [Bermuda]
17. Tricom, S.A. [Dominican Republic]
18. PREPA International Wholesale Transport, Inc. [Puerto Rico]